

REMARKS

I. General

Claims 1-22 were pending in the present application. A Final Office Action (mailed September 21, 2005) finally rejecting claims 1-22. In response, Applicant hereby files a Request for Continued Examination (RCE) with this accompanying amendment. The outstanding issues raised in the Final Office Action are:

- Claims 1-11 and 13-18 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,005,603 to Flavin (hereinafter "*Flavin*");
- Claim 12 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Flavin* in view of the SMPTE Standard; and
- Claims 19-22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Flavin* in view of Published U.S. Patent Application No. 2001/0000194 to Sequeira (hereinafter "*Sequeira*").

Applicant respectfully traverses the outstanding claim rejections raised in the current Office Action, and requests reconsideration and withdrawal thereof in light of the amendments and remarks presented herein.

II. Claim Amendments

Claims 13, 16, 19, and 22 are amended and new claims 23-37 are added herein. No new matter is presented by these amendments and added claims.

Claim 13 is amended to recite "including said cue packet in said media stream". This amendment is consistent with the preamble of claim 13, which recites: "A method for delivering program timing, structure, and identity information in media streams" (emphasis added).

Claim 16 is amended to specify that the recited cue "is included in the related media stream".

Claim 19 is amended to specify that the recited intermediary stream processing application is for receiving the media stream that includes the cue packet.

Claim 22 is amended to correct a minor grammatical error by reciting “removing at least one cue packet from the media stream” (rather than removing at least one cue packet “to” the media stream). This amendment is merely cosmetic and is not intended to narrow the scope of claim 22 in any way.

III. Rejections Under 35 U.S.C. § 102(e) over *Flavin*

Claims 1-11 and 13-18 are rejected under 35 U.S.C. § 102(e) as being anticipated by *Flavin*. To anticipate a claim, a single reference must teach each and every element of the claim, *see* M.P.E.P. § 2131. As discussed further below, Applicant respectfully asserts that *Flavin* does not teach all elements of claims 1-11 and 13-18, and therefore *Flavin* does not anticipate the claims.

Independent Claim 1

Independent claim 1 recites:

A streaming media server for providing a plurality of media streams comprising:

a) a cue generator for receiving an event detected signal and configuration information and based thereon for generating a cue having a predefined structure; wherein the cue can be used by a stream processing application (SPA) to receive information concerning an event whose timing is important to the receiver. (Emphasis added).

Flavin does not disclose a streaming media server that provides a plurality of media streams, wherein such streaming media server comprises the recited cue generator. The Final Office Action asserts that segment announcers 109 and 110 of *Flavin* are a streaming media server that provides a plurality of media streams. Applicant disagrees.

In *Flavin*, segment announcers 109 and 110 are computers that enable a user 111 to input descriptive information 250 about the content of one or more content streams 112 that the user is viewing. For instance, column 2, lines 58-65 of *Flavin* explains:

The segment announcer 110 is a computer workstation, e.g. an IBM laptop personal computer, that is typically used by a person 111 or group of people 111 to enter descriptive information about the content of one or more content streams 112 they 111 are perceiving. The content streams 112 can include any type of information as follows: a television program, a radio program, a corporate information session, a commercial, a live sporting event, etc.

Thus, the segment announcers 109 and 110 are not taught by *Flavin* as being media servers that provide a plurality of media streams, but rather are servers separate from servers that provide the media streams. For instance, media streams (or “content streams”) that are provided by a separate server can be viewed by users 111, and such users 111 enter descriptive information about the content of the streams into segment announcer 109/110. *Flavin* explains at column 2, line 66 – column 3, line 7:

For example, the person 111 can represent a special interest group that is viewing the content of a television program being broadcast in real time or alternatively to be broadcast using tape at a later time. This person would provide descriptive information, like a rating, based on his organization’s viewpoint. For instance, an animal rights group 111 would input descriptive information about the treatment of certain animals on the nature television program to be aired later in the day.

As another example, *Flavin* explains at column 3, lines 13-16:

In another example, a group of people 111 will monitor a television (radio) program and indicate when a commercial begins or ends. If one of the people 111 is inattentive, one of the others 111 will input the description 250 instead.

Thus, *Flavin* clearly teaches that segment announcers 109/110 are used for receiving descriptive information about content that is being viewed by users 111 of such segment announcers. However, *Flavin* provides no teaching that the segment announcers 109/110 provide the media streams (i.e., content). Rather, these streams are provided by a separate source, and it is that content that is viewed by the users 111. For instance, as shown in FIGURE 2 of *Flavin*, a user 111 of segment announcer 110 may view streaming content that is provided from some source to television 112. Alternatively, a video or data signal may be provided from a source (e.g., unnamed element 210 of FIGURE 2) to segment announcer 110. In either case, user 111 may view the content (e.g., on television 112) and input descriptive information 250 to segment announcer 110. Such descriptive information 250

may then be communicated from segment announcer 110 as an announcement 115 over the communication network 120, *see* FIGURE 2.

In no case does *Flavin* teach that segment announcer 110 is a streaming media server that provides media streams. Again, the streams (content) are supplied from a separate source, viewed by user 111 who then inputs descriptive information to segment announcer 110 about the viewed streams, and segment announcer 110 then communicates the descriptive information as an announcement 115 to segment announcement receivers, *see* column 3, lines 17-44 of *Flavin*. While the segment announcer 109/110 provides announcements 115 in *Flavin*, it does not provide media streams.

In view of the above, Applicant respectfully asserts that *Flavin* does not teach all elements of claim 1, and thus the 35 U.S.C. § 102 rejection of claim 1 should be withdrawn.

Independent Claim 13

Independent claim 13, as amended herein, recites:

A method for delivering program timing, structure, and identity information in media streams comprising:
identifying an event in the media stream;
determining if the event is a structural point as defined by configuration information;
generating a cue packet to represent the structural point; and
including said cue packet in said media stream. (Emphasis added).

Flavin fails to teach at least the above emphasized element of claim 13. That is, *Flavin* fails to teach including a generated cue packet in a media stream. Instead, in *Flavin* the announcements 115 are communicated as messages that are separate from the content streams. For example, as shown in FIGURE 2 of *Flavin*, the announcements 115 generated by segment announcer 110 are not included in the media stream. As *Flavin* explains at column 1, line 60 – column 2, line 30:

In a first aspect of the present invention, a segment announcing system is disclosed that contains one or more segment announcement receivers that receive one or more announcements over a network connection and/or other communication connection. The announcements contain descriptions about the content of broadcasts information (content stream), e.g., being broadcast to

a television.

...
In one preferred embodiment a service is provided by a server on the network, called a segment announcer. The server has a process that composes the network messages and transmits them to all or to selected (e.g. those paying for the service) segment announcement receivers connected on the network.

In *Flavin*, the announcements are not included in the media streams, but are instead communicated as separate messages, which may be used by segment announcement receivers to control the operation of recorders/televisions/etc., which are receiving a separate content stream (e.g., television broadcast). *Flavin* does not teach that the segment announcers 109/110 in any way modify the content stream, but instead users 111 of the segment announcers 109/110 view a content stream and input descriptive information about the content stream, which is then communicated as an announcement (separate from the content stream) to segment announcement receivers.

In view of the above, Applicant respectfully asserts that *Flavin* does not teach all elements of claim 13, and thus the 35 U.S.C. § 102 rejection of claim 13 should be withdrawn.

Independent Claim 16

Independent claim 16, as amended herein, recites:

A content distribution network comprising:
a media server for broadcasting at least one media stream having at least one structural point; and
a server-side cue handling mechanism for delivering program timing, structure, and identity information related to the media stream in the form of a cue that is included in the related media stream. (Emphasis added).

Flavin fails to teach at least the above emphasized element of claim 16. That is, *Flavin* fails to teach a cue that is included in a related media stream. Instead, as discussed above with claim 13, in *Flavin* the announcements 115 are communicated as messages that are not included in the related media stream.

In view of the above, Applicant respectfully asserts that *Flavin* does not teach all elements of claim 16, and thus the 35 U.S.C. § 102 rejection of claim 16 should be withdrawn.

Dependent Claims 2-11, 14-15, and 17-18

Claims 2-11, 14-15, and 17-18 each depend either directly or indirectly from one of independent claims 1, 13, and 16, and thus inherit all limitations of the respective independent claim from which they depend. It is respectfully submitted that dependent claims 2-11, 14-15, and 17-18 are allowable not only because of their dependency from their respective independent claim for the reasons discussed above, but also in view of their novel claim features (which both narrow the scope of the particular claims and compel a broader interpretation of the respective independent claim from which they depend).

IV. Rejection Under 35 U.S.C. § 103(a) over *Flavin* in view of SMPTE Standard

Claim 12 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Flavin* in view of the SMPTE Standard. Claim 12 depends from independent claim 1, and thus inherits all limitations of claim 1. It is respectfully submitted that dependent claim 12 is allowable at least because of its dependency from independent claim 1 for the reasons discussed above.

V. Rejections Under 35 U.S.C. § 103(a) over *Flavin* in view of *Sequeira*

Claims 19-22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Flavin* in view of *Sequeira*. Claims 19-22 each depend either directly or indirectly from independent claim 16, and thus inherit all limitations of claim 16. It is respectfully submitted that dependent claims 19-22 are allowable at least because of their dependency from independent claim 16 for the reasons discussed above.

VI. New Claims

New claims 23-37 are added herein. Claims 23-28 each depend either directly or indirectly from one of independent claims 1, 16, and 19, and therefore inherit the elements of the respective independent claim from which they depend. Thus, Applicant respectfully

submits that claims 23-28 are allowable at least because of their dependency from their respective independent claims for the reasons discussed above.

Independent claim 29 recites:

A method comprising:
generating a media stream at a stream generator of a media server;
identifying an event in the media stream;
determining if the event is a structural point as defined by
configuration information;
generating, at a cue handling mechanism of the media server, a cue
packet to represent the structural point; and
communicating said media stream and said cue packet from said
media server to at least one intermediary network node;
said at least one intermediary network node modifying, based at
least in part on said cue packet, said media stream to generate a modified
media stream; and
said at least one intermediary network node communicating said
modified media stream to at least one client receiver.

Thus, claim 29 recites generating a media stream and a cue packet at a media server. Claim 29 further recites communicating the media stream and cue packet from the media server to at least one intermediary network node. Claim 29 also recites that the intermediary network node generates a modified media stream, based at least in part on the cue packet; and, the intermediary network node communicates the modified media stream to at least one client receiver.

The applied references of record fail to teach or suggest all elements of claim 29. Therefore, Applicant respectfully submits that claim 29 is allowable over the applied references of record. Further, claims 30-37 each depend either directly or indirectly from independent claim 29, and therefore believed to likewise be allowable at least because of their dependency from claim 29.

VII. Conclusion

In view of the above, Applicant believes the pending application is in condition for allowance.

The required fee for this response is enclosed. If any additional fee is due, please charge Deposit Account No. 08-2025, under Order No. 10004571-1 from which the undersigned is authorized to draw.

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